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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) (COMM) 222/2018**

M/S JAY POLYCHEM (INDIA) LTD

..... Appellant

Through Mr. A.S. Chandhiok, Senior Advocate
with Mr. Vineet Malhotra, Mr. Vishal
Gohri, Mr. Ravi Krishan Kumar and Mr.
Shubhendu Kaushik, Advocates

versus

M/S S E INVESTMENT LTD

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **11.10.2018**

CM.APPL 40412/2018 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM.APPL 40414/2018 (delay in refiling)

This is an application filed by the applicant/appellant seeking condonation of delay in refiling the present appeal.

For the reasons stated in the application, the application is allowed. Delay in refiling the appeal is condoned.

The application stands disposed of.

FAO(OS) (COMM) 222/2018 & CM.APPL 40413/2018(stay)

This is an appeal filed by the appellant under Section 37 of the Arbitration and Conciliation Act, 1996 against the order passed by the learned Single Judge dated 07.05.2018, by which the petition filed by the appellant herein against the impugned award dated 31.07.2015 has been dismissed.

Mr. Chandhiok, learned Senior Counsel appearing for the appellant



submits that the learned Single Judge has failed to take note of the decision in the case of *Northern Railway v. Pioneer Publicity Corporation Private Limited*, reported at (2017) 11 SCC 234, wherein it has been held that Section 34 sub-section (3) of the Arbitration and Conciliation Act, 1996 has no application in refiling the petition but only applies to the initial filing of the objections under Section 34 of the Act. It is also contended that an application under Section 33 of the Act was filed before the learned Arbitrator within 30 days. However, the learned Arbitrator has declined to entertain the same on the ground that no date for sitting was fixed within a period of 30 days.

Notice to show cause as to why the appeal be not admitted.

On appellant depositing a sum of Rs.7,12,00,000/- with the Registrar General of this Court within four weeks, the operation of the impugned award dated 31.07.2015 shall remain stayed. The amount so deposited, shall be converted into a Fixed Deposit initially for a period of six months to be renewed periodically till further orders of this Court.

List on 19.12.2018.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 11, 2018

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FAO(OS) (COMM) 222/2018

2/2